

zone is currently the only zone district which allows development of mixed-use projects through the issuance of a conditional use permit (CVMC 19.36.030 (O)). Therefore, rezone of the project site from CT-P to CC-P would allow the proposed mixed-use project and implement the General Plan's vision and policies for this area of the City. The proposed CC zone will contribute to the public convenience and general welfare by further assisting in the implementation of the General Plan MUR land use designation for the site.

In relation to residential density within the area, LUT Policy 43.6 of the General Plan states:

*"In the Palomar Gateway District, residential densities within the Mixed Use Transit Focus Area designation are intended to have a district-wide gross density of 40 dwelling units per acre."*

The overall project proposes 154 units on 4.89 acres, which results in a density of 32 dwelling units per acre. This density is consistent with the City's General Plan policy for the site and represents the maximum density permitted by the proposed CC zone. While this is less than the goal of 40 DU/AC for the entire Palomar Gateway District, it is equally important to provide a mix of densities throughout the District, with higher densities adjacent to the trolley station as proposed on Lot 2 (56 du/acre) and lower densities to the west and south of the subject site (26 du/acre). It is anticipated that more dense projects will be developed in the future that will bring the average density up to meet the goal for the overall District. The proposed residential density would provide an urban, pedestrian-oriented project design that would complement the Palomar Trolley Station and be compatible with the surrounding land uses.

Comment #49: *XIII It is unclear if more public infrastructure will be needed because the drainage study was incomplete.*

**Response to Comment #49:** See Response to Comments #3, and 27.

Comment #50: *Clearly more park space will be needed because an inadequate amount of public and private space is to be provided by the project to accommodate the residents. XIV. There is inadequate open space, which may induce residents to use nearby park excessively.*

**Response to Comment #50:** Pursuant to Tentative Map condition #24, the Applicant shall pay all applicable Parkland Acquisition and Development Fees (PAD fees) at the rates in effect at the time of approval of the map or building permit in accordance with C.V.M.C. Chapter 17.10.

CVMC 19.28.090 requires the provision of 400 square feet of usable open space for 1 and 2-bedroom units, and 480 square feet for units with 3 or more bedrooms. The open space may be provided in common usable open space areas, private patios, balconies, or common recreational facilities. In accordance with the standards set forth by Section

19.28.090 and the proposed unit mix (40 one and two-bedroom and 64 three-bedroom), the total usable open space requirement for the project would be 46,720 square feet. The project's proposed open space is 35,730 square feet, which represents a difference of 10,990 square feet (24% reduction) of useable open space.

The open space provided by the proposed project consists of one large common area (approximately 5,800 sq.ft.) in the northern section of the property, next to Palomar Street, that contains a variety of elements including a tot lot, grassy area, barbeque pits and several arbors, and is protected by a decorative wall along Palomar Street. Another common area (approximately 4,380 sq. ft.) is located along Frontage Road that is made up of grassy area and landscape areas, which serve for passive recreation. A third major common area is represented by a paseo that extends along the center of the site, between the interior building structures, in a north-south direction. This area offers a major pedestrian connection between the southern driveway, the large common area and Palomar Street. Another open space element that is part of the proposed project is represented by decks and balconies at each of the residential units.

Community Development staff has been working with the applicant on a variety of ways to enhance the proposed open space areas in order to make it more useable for the residents and reduce the open space deficit to the maximum extent possible.

*Comment #51: XV. The checklist acknowledges that the project will cause an increase in traffic. This is not mitigated by the project in any way. It will result in a change in traffic patterns, since it will substantially increase the traffic on Industrial Blvd. This could increase the safety risk for pedestrians. Mr. Quinones was hit by a hit and run driver and killed because there was no curb cut on Ada last year. The planned improvements for Palomar may or may not allow people to use sidewalks instead of being force into the street. The design features of these townhomes will have entrances to garages opposite each other in close proximity this could increase the hazard of collisions when drivers, especially with larger vehicles enter or exit their garages. This is a questionable design feature as are tandem garages, which require moving cars in and out of spaces continually and could cause hazardous conditions.*

**Response to Comment #51:** See Response to Comments #41. In 2006, the City received a SANDAG Transit Oriented Design (TOD) grant to provide \$2.1 million for street and pedestrian improvements along Palomar Street, Industrial Boulevard and at the Palomar trolley station. The improvements will include traffic calming features, landscaping and streetscape amenities to augment the Transit Focus Area General Plan goals. The pedestrian walkways will be 5 feet of sidewalk provided through the grant with an additional 1.5 to 4 feet (varies) provided by the Bayvista Walk to provide a total width of 6.5 to 9 feet of walkway. Additionally, the grant project is building enhanced pedestrian crossings at the Industrial Boulevard/Ada Street and Industrial Boulevard/Palomar Street intersections. The City Traffic Section has further reviewed the proposed Palomar Gateway Beautification improvements with respect to this project and found that there are no direct or cumulative impacts that would adversely affect the level of service.

4-102

All of the residential buildings have a two-car garage for each dwelling unit. Each garage has access from a 24-foot driveway that runs in the middle of two building or by the rear of the buildings that front on Palomar Street. These driveways provide adequate space for turning movements and vehicles exiting garages. The driveway dimensions comply with CVMC Chapter 19.62.020, which requires that two-way driveways have a width of 24 feet. This driveway dimension also complies with the Fire Department minimum requirements for access to fire equipment.

*Comment #52: XVI The city currently will be over capacity for wastewater if development continues. This project will add to this problem. The city has not yet dealt with what is to be done to alleviate the problem of not having sufficient future capacity. Until such time as the city deals with this very expensive problem, every project has a potential negative effect upon the wastewater system. There currently are no water lines or sewage lines or drainage pipes on the property all of these will need to be added. The city has not met its recycling goals so the life of its landfill is not as long as previously predicted and every new project adds to this problem.*

**Response to Comment #52:** According to the GMOC 2007 Annual Report, flows in the City sewer facilities are all currently within acceptable engineering standards. The project will be required to contribute their fair share toward the acquisition of sewer capacity by paying the currently approved sewer capacity fee.

*Comment #53: XVII Thresholds:*

- a. The library currently does not meet its threshold and will not until Rancho Del Rey Library is built. Every new project increases this gap.*
- b. Police currently do not meet their Priority two threshold and have not for some time. Every new project contributes to this problem*
- c. Traffic: The intersections adjacent to this project are operating significantly below the 1991 levels and worsening. This project will contribute a cumulative effect to this non-compliance and should not be built.*
- d. Parks and Recreation: the west has less than 1 acre per 1,000 people, every increase in population without an increase in park space or adequate payment of park fees makes this situation worse. This project will not pay an adequate park fee so it is contributing to not reaching the threshold.*
- e. Drainage: the report is inadequate because it does not deal with the entire system the project contributes to so it is impossible to evaluate this, which is in itself a violation of CEQUA which requires that the public be provided with all information to allow for a decision on the project.*
- f. Sewer: There was no indication in sewer report of project being required to provide improvements. Cumulatively every new connection puts further strain on the system. San Diego maintains the main lines going to Point Loma and their condition is questionable.*
- g. Water: We are being asked to cut back 20 gallons a day due to drought conditions. Obviously adding users makes our water situation increasingly precarious due to state and federal policies and over reliance upon imported*

*water. Sweetwater provides much of its water locally, but every new resident forces the SWA to import more water and puts us all at risk.*

**Response to Comment #53:** See Response to Comment #3, #12, #25, #47a and #52.

Comment #54: *XVIII b. The project will add to the significant cumulative effects of the projects completed on Ada Street and planned for Ada Street. These projects have created cars parked bumper to bumper along both sides of the street as well as added wear and tear on the streets and strains on the drainage system between Ada and Dorothy. This project will add to these problems that negatively effect the quality of life of existing residents. These effects are cumulatively significant as are the effects to water, sewer and solid waste capacity when viewed cumulatively.*

**Response to Comment #54:** See Response to Comment #5, #20, #27 and #52. The sewer study analyzed the impacts of this project and the capacity of the city sewer facilities to serve surrounding uses. The project is in an infill project in compliance with the City's general plan land use designation. There is no evidence based on the analysis found in the technical reports prepared for this project that demonstrate a cumulative significant impact for water, sewer and solid waste capacity.

Comment #55: *c. The project will cause significant negative effects upon the human beings who will inhabit it in that they will be exposed to excessive noise and air pollution that have well documented negative effects upon physical, emotional, social and psychological health. (League for the Hard of Hearing's NOISE & HEALTH FACT SHEET, NOISE POLLUTION, Electric Library presents Encyclopedia.com, <http://www.newscientist.com/news/> - Ithaca, NY, 5/22/2001)*

*The mitigations offered are minimal and will not fully mitigate these negative effects. The traffic situation as acknowledged in the outdated traffic report and the MND is a clear exasperation of an existing non-compliance with a standard (traffic will not worsen from 1991 levels). This clearly is above a violation of a CEQUA standard of significance. Projects that add even cumulatively to a violation of a standard must be found to cause a significant negative effect, which requires mitigation or an EIR and a statement of Over-riding Conditions.*

**Response to Comment #55:** See Response to Comment #7, #11, #13 and #30.

**Theresa Acerro's email (Rec'd on 8/23/07)**

*Additional Comments on MND for Bayvista Walk:*

Comment #56: *Cultural/Historical Report The report I was given a copy of is totally inadequate. It deals with the site alone. Law requires a mile around the site. the report for Marasella Villas (that could be used here) was over 10 pages and had all kinds of interesting information. This report is inadequate.*

**Response to Comment #56:** See Response to Comment #44.

4-104

*Comment #57: Since a subdivision map is required according to Cummings a PFFP is also required. Where is this report? It needs to be evaluated before the project can be approved. These are Townhomes which is a subdivision. The PFFP is part of the review process.*

**Response to Comment #57:** CVMC 19.80 (“Cummings”) does not require preparation of a PFFP. See Response to Comment #12 and #47a.

*Comment #58: The city is 35% worse off as far as CO is concerned since 1991. According to growth management threshold air quality is supposed to improve. What is this project doing to improve the situation? Reports aren't adequate. What is LEED certification? What is project doing to produce its own energy? Are tankless water heaters being used? Olsen's promotional materials tout green building techniques. Is the southwest not good enough to have a quality green project from this developer?*

**Response to Comment #58:** See Response to Comment #25 and #42. According to the GMOC 2007 Annual report, the City is in compliance with the Air Quality threshold standard (page 1-28). Also, due to the projects proximity to transit, there is an expected increase in public transit ridership and fewer air quality impacts would result from individuals relying solely on the automobile.

In addition, this project is an infill development proposal that is transit oriented being located directly across the Palomar Street Trolley Station. Projects of this nature typically use less energy for space heating and cooling than standard suburban development consisting of single-family detached residential homes.

*Comment #59: Environmental Justice demands that the community impacts be considered. This is the lowest income area of Chula Vista. It should not have another inferior project with excess traffic, inadequate parking and inadequate open space. we don't want a future slum here. There is inadequate space for children to play, excessive loss of permeable surface area, inadequate on site treatment of runoff by vegetation, and no use of energy saving sustainable building practices or energy generation that will reduce its carbon footprint by at least 35% common building practices are now exceeding standard. New state laws require greater reductions than project has.*

**Response to Comment #59:** See Response to Comment #20, #34, #46 and #57. The project is in an infill project in compliance with the City’s general plan land use designation. There is no evidence based on the analysis conducted as part of the Mitigated Negative Declaration that adverse impacts to the environment have not been adequately mitigated.

#### **Theresa Acerro’s email (Rec’d on 8/27/07)**

*Comment #60: You are absolutely right about page 38. I don't know how I got it in my head to read across and not up and down. It does say that this will mitigate this*

4-105

*particular intersection, but the entire stretch of road is still over capacity unless engineers get a different count than what they reported on TMP. CEQUA fortunately does not rely upon the city's thresholds which deliberately avoid using any data that show a problem. Road capacity is more in keeping with Cummings, which also says that roads must be worse than 1991. Looking at 1991 data is only way to actually tell whether roads meet threshold standard or not. I am 100% sure that Palomar exceeds this standard since Palomar Trolley Center was not there in 1991. It and Target are responsible for a huge amount of the traffic. You can include this comment in comments on MND, since now that it has been pointed out to me I realize we need data from 1991 to see whether this street exceeds city standard or not.*

**Response to Comment #60:** See Response to Comment #11, #12 and #31.

*Comment #61: page 17 in MND XV b. Would the project exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads and highways. I wonder what county service standard is? I bet it has to do with capacity?*

**Response to Comment #61:** The City of Chula Vista utilizes our own Growth Management (GMOC) and traffic standards for City owned streets.

**Theresa Acerro's handwritten note (Rec'd on 8/27/07)**

*Comment #62: XIII. Environmental Checklist – Schools 8/18/06 SUHSD concerned wants Mello-Roos neg. impact expected CPH/CPM. 9/28/06 CVESD Dif pays only 25% of cost of housing students wants CFD to get funding to avoid impacts.*

**Response to Comment #62:** Pursuant to the comment letter received from the CVESD on June 27, 2007 and CEQA, the district requires standard school fees are paid and encourage but do not require the formation of community facility funding districts such as a Mello-Roos District. A condition of approval will require the applicant to pay the applicable school impact fee.

*Comment #63: Concern about sewage because report shows 15" pipe when Ind. Has 12" and City's report on 3/05 showed maximum level reaching 6.8". 75% would be 9" Report does not appear to include new condos on Ada which must also use this pipe. Where is documentation to show Luis Pelayo's concerns were dealt with? Is there a new report?*

**Response to Comment #63:** Prior to the approval of the project, the developer will be required to ensure to the satisfaction of the City Engineer that adequate capacity for its project will be available on or before the date that a unit or units are completed.

Development shall not occur without adequate sewer capacity as determined by the City Engineer. Building permits will not be issued if the City Engineer has determined that

adequate sewer capacity does not exist. All development must comply with the Municipal Code, specifically M.C. Sections 19.09.010 (A) 6 and 13.14.030.

Comment #64: *At Com Dev. I did see draft AQIP and H<sub>2</sub>O Conserv. Plan but where is final?*

**Response to Comment #64:** See Response to Comment #24, #25, #47a, #47b and #47c.

**Jim Hunt's email (Rec'd on 8/27/07)**

Comment #65: *Ms. Theresa Acerro, our Southwest Chula Vista Civic Association President is not alone in her concerns on the MND Bayvista Walk, case No. IS-05-012. There are many residents in our area who are Spanish speaking and or don't own a computer. If all the residents in the southwest section of Chula Vista could communicate their concerns on how they're treated and not listened to, your office would be overwhelmed with complaints.*

*For too long the City of Chula Vista has neglected Southwest Chula Vista and now that there are changes that impact us we want to know how these changes will be done.*

*Ms. Theresa Acerro attends many city meetings and stays on top of what happens or will happen. She keeps the Southwest Chula Vista Civic Association informed and for many this is how we know what is being done. Many residents because of advanced age and lack of convenient transportation are unable to attend city meetings. I suggest that meetings should be conducted in Southwest Chula Vista that impact Southwest Chula Vista. If this was done and the residents understood, could voice their opinions, and were listened to what is at stake, there would be more harmony and satisfaction among the residents.*

*Please consider this and keep us informed, not after the developers start developing, but in the beginning, the middle and what the end result will be. The residents want to have their thoughts and concerns a part of this process.*

**Response to Comment #65:** Comments noted. See Response to Comment #18 and #19.

**Theresa Acerro's email (Rec'd on 8/28/07) After Comment Period Ended**

Comment #66: *The traffic for industrial has been computed incorrectly. Too few cars are mentioned for morning and evening from Project planned for corner of Ada and Industrial. There are 90 townhomes. This means there must be 90 workers, more likely closer to 180 commuting morning and night. The vast majority of these workers will go to Palomar to get to work. Very few will head toward Anita, since there are far far fewer jobs to the south than to the north. it is now possible to actually measure how many people from three condo projects now complete travel this way daily, although this*

4-107

*number will have to be increased because many of these people now use Frontage and when median is built will not use frontage any longer. as stated previously ahuge gap in the Traffic Report is an insufficient and inaccurate analysis of traffic on Industrial, which will significantly increase (by 1,000 or more cars with the Bayvista Walk project. this is a direct impact. I am not sure how Industrial can be classified as a class II collector since the street lights aren't as close together as in the ordinance are they?*

**Response to Comment #66:** See Response to Comment #4, #10 and #11.



**Community Development Department****Memo**

**TO:** Members of the Redevelopment Advisory Committee

**FROM:** Stacey Kurz, Senior Community Development Specialist  
Miguel Z. Tapia, Senior Community Development Specialist

**DATE:** August 2, 2007

**SUBJECT:** Review No. 2 of DRC-05-39 Bayvista Walk (765-795 Palomar Street)

---

**Project Description:**

Bayvista Walk is a proposal for the construction of a mixed-use project consisting of multi-family residential and limited commercial uses on a vacant site on Palomar Street between Frontage Road and Industrial Boulevard (Attachment 1, Locator Map). As previously presented, the project is proposed to be developed in two phases. The first phase represents the development of the 4-acre portion (Lot 1) of the site to be developed with the 104-unit residential project. The second phase located on the eastern-most portion of the site (Lot 2) with an approximate area of 0.89 acres, is proposed to be developed with the mixed-use residential/commercial element that would contain an affordable housing component. This phase of the project includes the construction of a podium building structure with 5,000 – 10,000 square feet of commercial space on the first floor, 50 residential units on the upper floors of the building and 102 parking spaces on the first floor and subterranean level. Overall, the mixed-use project proposal being presented to the Redevelopment Advisory Committee (RAC) is for the construction of a two phased development consisting of 154 Townhome units, 325 parking spaces, and approximately 21,000 square feet of usable open space (see Attachment 2, Design Plans). The residential buildings in Phase 1 contain a density of 26 DU/AC. The proposed density for Phase 2 would be 56.2 DU/AC. Total proposed density for the combined project is 32 DU/AC. Overall, the site density is within the range of the General Plan mixed-use designation and maximum permitted density for mixed-use projects under the Central Commercial zone (32 du/ac).

4-109

Phase 1 would include design parameters that would insure Phase 2 provide the following:

- Mixed-use development at General Plan level densities;
- Affordable housing to meet or exceed project requirements;
- Internal connection to Phase 1;
- Continuous pedestrian access to transit; and
- Integrated design elements with Phase 1.

A concept building design and layout have been provided to illustrate how these elements can be achieved with the future development of Phase 2.

The proposed project requires the processing of the following applications: environmental review application, design review application, re-zone of the site from CT-P to CC-P, Conditional Use Permit application for the proposed commercial/residential project, a Precise Plan and development standards, and a Tentative Subdivision Map for the condominiums. The following city review bodies would consider the various aspects of the project: Redevelopment Advisory Committee, Planning Commission, Chula Vista Redevelopment Corporation, and City Council. Review and analysis of the project is based on the requirements of the Zoning Ordinance and the guidelines of the City's Design and Landscape Manuals.

**Project Location:**

The subject property is located on the south side of Palomar Street between Frontage Road and Industrial Boulevard. The site has been vacant for several years and was used as a temporary site for the sale of pumpkins and Christmas trees.

The site is located within the area designated by the 2005 General Plan Update as the Palomar Gateway District. It is located close to the Interstate 5 ramps and next to the Palomar Trolley Station, one of the busiest entrances to the City and next to one of its most active commercial enclaves. Existing uses, General Plan and Zoning designations of adjacent properties to the subject site are as follows:

	<u>Existing Uses</u>	<u>General Plan Designation</u>	<u>Existing Zoning</u>
<b>Site</b>	Vacant	Mixed Use – Transit Focus Area	Commercial Thoroughfare
<b>North</b>	Residential and commercial	Mixed Use – Transit	R-3 (Multi-Family)

4-110

	uses	Focus Area	Residential)
<b>East</b>	Palomar Trolley Station	Mixed Use -Transit Focus Area	S-94
<b>South</b>	Trailer park, multi-family and single-family residential units	High Density Residential	R-2 P (one and two Family Residential)
<b>West</b>	Hotel & Trailer park	Mixed Use -Transit Focus Area	C-T (Commercial Thoroughfare)

**Building Design:**

The buildings are designed in contemporary urban architecture, with elements such as steel awnings supported by steel ropes, clean lines, simple box-like massing; flat parapet roofs, rectangular-shaped windows with minimum mullions and simple contemporary door and window trim. The building height ranges from three-story Townhomes (42 feet) to five-story mixed-use podium building (approximately 60 feet). Several tower elements (approximately 53' in height), located on the buildings along Palomar Street will serve as landmarks to designate this as the entrance or "gateway" into the City.

**Site Design:**

As designed, the site will contain two 16-dwelling unit buildings fronting on Palomar Street, eight 9-unit buildings three stories high, and a five-story mixed-use podium building at the corner nearest the trolley station. Access into the site is on Frontage Road and Industrial Boulevard. These access points lead into a two-way driveway, running in an east-west direction along the south property boundary, which provides access to the private driveways leading into the garage of the individual units. Access into the mixed-use podium building is through the driveway entrance off Industrial Boulevard.

Internal pedestrian circulation is provided through a system of walkways (concrete sidewalks) and paseos that connect the residential units to Palomar Street at various points. A wide landscaped area with a meandering path runs north to south through the development and connects to the large central open space area (containing a tot lot, a water fountain and other open space amenities), which terminates in an ornamental wall and pedestrian gate for residents to access Palomar Street. Another access point to Palomar Street is provided by a paseo between Lots 1 and 2 closer to the intersection of Palomar and Industrial. There are 32 homes in Lot 1 with front

4-111

doors facing Palomar with patio enclosures that establish a direct relationship to the street.

This pedestrian circulation system in turn provides several access points that connect the residential project with the Palomar Trolley Station located across Industrial Boulevard. The future retail component will further enhance the relationship between the project and the transit station by creating additional pedestrian activity. In addition, pedestrian circulation will be provided between the Bayvista Walk project site and the recently approved Marcella Villas project to be built at the site located to the south. This will be achieved by extending one of the Bayvista Walk project's paseos across the southern driveway and through the southern property line to connect with the easement at the Marcella Villas site. As shown on the site plan, the pedestrian walkway will need to be modified in order to coincide and connect at the same point along the southern boundary line.

A landscape concept plan was included with the latest project submittal. However, it has not been reviewed by the Landscape Planner and formal comments have not been formulated yet. On a preliminary basis, the landscape plan provides a balanced arrangement of trees, shrubs, vines, groundcovers and turf throughout the site. Additional comments regarding usability of landscaped areas are provided in the following section of this report. A thorough analysis of the landscape plan will be conducted by the City's Landscape Planner based on the guidelines of the Landscape Manual, and comments and recommendations will be provided to the applicant as part of the review process. The project's landscape concept will also be reviewed in relationship with the streetscape enhancement plan being prepared for Palomar Street and Industrial Boulevard.

#### **Discussion Items:**

A number of recommendations were made by staff, and were communicated both in the last memorandum addressed to RAC and in a later letter addressed to the applicant. The RAC initially reviewed this project on May 3, 2007 and expressed a number of concerns. Following the first RAC meeting, revised plans were submitted to the City by the Applicant. The following matrix summarizes the RAC comments generated at the May 3<sup>rd</sup> meeting and provides a summary of changes made by the applicant to address the issues.

RAC Comments	Applicant Response	Staff Analysis
Open space <ul style="list-style-type: none"><li>Lack of useable open space</li><li>Safety issues with Park</li></ul>	As part of the consideration of the Precise Plan, the applicant has requested a reduction on the open space requirement due to the urban nature of this mixed-	The proposed private and common open space presented on the plans does not meet the requirement of the Zoning Ordinance, which requires

4-112

<p>entrance on Palomar</p> <ul style="list-style-type: none"> <li>○ Suggested reconfiguring and placing towards the back or middle of the site</li> <li>○ Place in the center of the two pillars</li> </ul>	<p>use development. As proposed the project will provide 20,726 sq. ft. of usable open space, which is a 66% reduction from the current CVMC requirements.</p> <p>The applicant has provided gated entrances along Palomar.</p>	<p>46,720 sq. ft. of usable open space. As presented, the plans provide approximately 20,726 sq. ft. of common and private open space. However, if design modifications to the existing landscaped/developed areas are made, the usability of open space could increase significantly.</p> <p>Staff would propose the addition of a variety of design elements and features to increase the usability of the open space areas. These could include elements such as benches and vertical flowerbeds with seating areas. In addition, staff would recommend that the applicant look into the feasibility of adding rooftop gardens with sitting areas. Finally, patios in each of the residential units on Phase 1 could be counted toward the requirements of CVMC if they were enlarged slightly to meet the minimum code dimensions of six feet.</p> <p>All of these recommendations would increase the usable open space and minimize the gap between the proposed open space and code requirements.</p> <p>Tot lot safety has been added through the gated entrances.</p>
<p><b>Palomar Frontage/Architecture</b></p> <ul style="list-style-type: none"> <li>• Project needs to make a bigger impression <ul style="list-style-type: none"> <li>○ Architectural landmark to showcase quality of development</li> <li>○ The two buildings, 250' each, are too long and too flat</li> <li>○ Articulation to create more of an urban</li> </ul> </li> </ul>	<p>The applicant has revised the northern elevation and internal buildings to provide a more urban façade with vertical articulations. Patios have been added to the front of each unit to create more interest and activity along Palomar Street and along the internal paseos.</p> <p>The applicant has indicated that further increasing the density or height of the project is not</p>	<p>The articulation and design features of the project provide a more urban and improved façade along Palomar Street and at the entrance to the City.</p>

façade o 4-story façade	financially feasible.	
<b>General Plan</b> <ul style="list-style-type: none"> <li>Project doesn't fit the vision in the General Plan</li> <li>Need a retail live/loft, with professional offices along Palomar</li> <li>Increase density by adding another livable floor</li> <li>Internal access needs to be resolved and site may be too dense</li> </ul>	<p>The applicant proposes to fulfill the mixed-use component on the 0.89-acre corner lot ("podium") with densities of up to 56 du/ac. The corner lot would be conveyed to the Redevelopment Agency for implementation of this higher density project. The Redevelopment Agency would require that the future development meet the vision of the General Plan. Conditions will be attached to the project, as well as design parameters, to insure integration of the two phases.</p>	<p>The General Plan's Palomar Gateway district calls for higher density mixed-use development near the trolley station with less dense residential development to the west and south of the station. Overall densities for the entire district should average 40 du/ac.</p> <p>The proposed project provides a density range of 26 to 56 du/ac, with an average density of 31.5 du/ac. The proposed density is within the density range of the General Plan and permissible density allowed for mixed-use projects in the Central Commercial zone (maximum 32 du/ac).</p>
<b>Affordable Housing</b> <ul style="list-style-type: none"> <li>How would the project meet the affordable housing requirement?</li> </ul>	<p>The applicant has proposed to fulfill the affordable housing obligation on the corner piece ("podium") at Industrial and Palomar by setting-aside the property to the City's Redevelopment Agency.</p> <p>The Agency is obligated to ensure the affordable housing is completed. Conditions will be attached to the one-acre site, as well as design parameters for the affordable housing component.</p>	<p>The City's Affordable Housing Requirement (Inclusionary Program) identifies priorities for fulfilling the affordable obligation. Although meeting the obligation on-site is the most desirable option, land set-asides provide a unique opportunity for the Agency to leverage additional affordable units and potentially at deeper income targets.</p> <p>The Inclusionary requirement of the applicant would be 16 units (10%), however by the Agency leading the "podium" project additional units may be built (minimum of 15% or 23 units).</p>

**Conclusion:**

While staff is still processing the submittal and awaiting comments from other city departments on final site design; Community Development staff has reviewed and

4-114

August 2, 2007

---

analyzed the project proposal for consistency with the overall objectives of the Palomar Gateway District identified in the General Plan and the Zoning Ordinance. Based on this review, staff has determined that the project is in substantial conformance with these objectives and feels the revised project submittal has been significantly improved from the first submittal. Further, staff believes the revisions address the concerns and comments raised by RAC at the May 3<sup>rd</sup> meeting. Therefore, staff requests that the RAC consider the revised project and the information and analysis provided in this memorandum to formulate a recommendation on the project.

**Committee Member Conflicts:**

Staff has reviewed the property holdings of the RAC members. No conflict exists for members and alternates of the RAC.

**Attachments:**

- Locator Map
- Concept Plan Packet

cc: Ann Hix, Acting Director, Community Development Department  
Mary Ladiana, Planning Manager, Community Development Department  
Eric Crockett, Redevelopment Manager, Community Development Department  
Amanda Mills, Housing Manager, Community Development Department

4-115

DRAFT SUMMARY  
CHULA VISTA REDEVELOPMENT ADVISORY COMMITTEE (RAC)  
August 2, 2007

**RAC QUESTIONS:**

Members asked for clarification on the pedestrian access and added safety features to the common area. Members were also interested in receiving more information regarding the SANDAG grant project.

With the increased impervious area, what are the impacts to the downstream system?

Is there a guarantee that once Phase I is built that Phase II will also be built?

Member asked for clarification on the Open Space Standards.

**PUBLIC COMMENT:**

Theresa Acerro, President of the Southwest Civic Association: Concerned with existing traffic situation, parking, density of podium building, need for the I-5 bridge to be widened, noticing for the MND, and required mitigation at Frontage and Palomar.

D. Combs, Resident: Concerned with existing traffic situation and parking.

**RAC COMMENTS:**

Like the project in this urban environment, it seems like a nice place; appropriate for someone that might want to buy a small space.

Would like the applicant to work with the staff and creates some open space on the roofs, that would be a bonus.

Think the design and all the other factors are helping to create a gateway.

Recommend that we move this project forward to the CVRC.

VOTE: AYES:        five  
      Nos:            zero  
      ABSTAIN:      two

Project will be recommended to the CVRC.

4-114



Concept Plans on file with the Community Development Department. Please contact the Project Manager, Stacey Kurz at (619) 585-5609 if you would like a set to review.

4-117

## LAND USE AND TRANSPORTATION ELEMENT

### CHAPTER 5

#### 8.4.3 Palomar Gateway District

##### Description of District

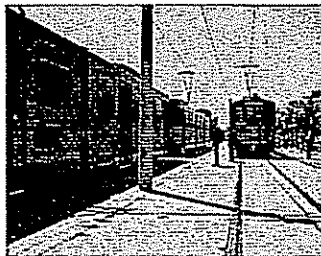
The Palomar Gateway District (Figure 5-23) is located at the interchange of Palomar Street and Interstate 5, and is characterized by the Palomar Trolley Station, located at the southeast quadrant of Palomar Street and Industrial Boulevard.

##### Existing Conditions

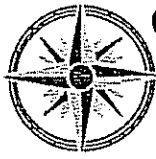
North of Palomar Street are light industrial businesses and multi-family housing. South of Palomar Street is a mix of single-family and multi-family housing extending south to Anita Street.

##### Vision for District

The Palomar Gateway District is the major southern gateway into the City and functions as one of the activity corridors in the City. The District provides housing and support uses near a regional transit route. Higher density residential development within walking distance of the Palomar Trolley Station provides additional affordable housing opportunities. Local retail and services are along Palomar Street, and more retail and services are in mixed use developments south of Palomar Street.



In addition to nearby community-serving retail uses on Broadway and Palomar Street, a new five-acre neighborhood park is located in the area north of Oxford Street, within walking distance of new residential housing.



Chula  
Vista  
Vision  
2020

## Southwest Planning Area

### Palomar Gateway & West Fairfield Districts

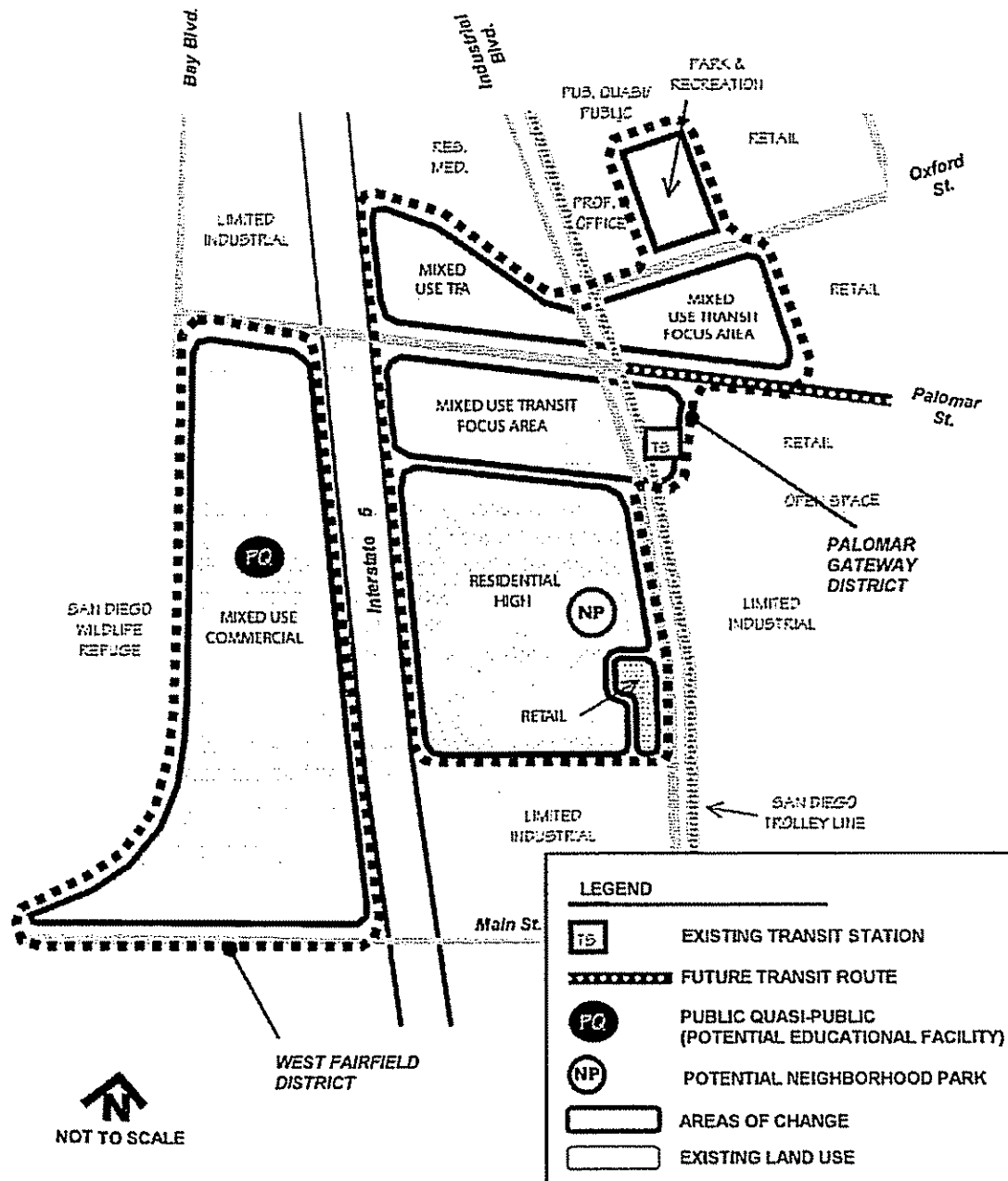


Figure 5-23

4-119

---

## LAND USE AND TRANSPORTATION ELEMENT

### CHAPTER 5

---

#### **Objective - LUT 43**

Establish a Mixed Use Transit Focus Area surrounding the Palomar Trolley Station.

---

#### **Policies**

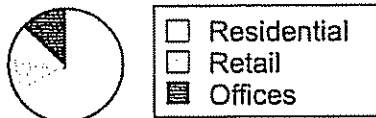
**LUT 43.1** The City shall prepare, or cause to have prepared, a specific plan, master plan, or other regulatory document to guide the coordinated establishment of a Mixed Use Transit Focus Area within the Palomar Gateway District on properties north and south of Palomar Street, within walkable distance of the Palomar Trolley Station. The specific plan or other regulatory document shall include guidelines and zoning-level standards for the arrangement of land uses that include plans for adequate pedestrian connections and support services for residents, as well as those using the transit station.

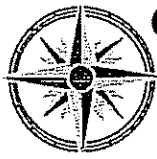
The City will prepare an Implementation Program to assure establishment of the above plan/regulations. The Program will include interim provisions for the consideration of any projects within this areas, prior to completion and adoption of the according plan/regulations.

**LUT 43.2** Provide for a five-acre neighborhood park within the Palomar Gateway District.

#### *Uses*

**LUT 43.3** Strive for a distribution of uses within the areas designated as Mixed Use Transit Focus Area along Palomar Street to include retail, offices, and residential, as generally shown on the following chart:





**LUT 43.4** Provide a mix of uses with a focus on retail and some office uses along Palomar Street in the Mixed Use Transit Focus Area, with residential uses above and/or behind the retail and offices uses.

**LUT 43.5** Provide a mix of local-serving retail and office uses near the Palomar Trolley Station and at the Gateways into the Palomar Gateway District.

*Intensity/Height*

**LUT 43.6** In the Palomar Gateway District, residential densities within the Mixed Use Transit Focus Area designation are intended to have a district-wide gross density of 40 dwelling units per acre.

**LUT 43.7** In the Palomar Gateway District, the commercial (retail and office) portion of the Mixed Use Transit Focus Area designation is intended to have a focus area-wide aggregate FAR of 1.0. Subsequent specific plans or zoning ordinance regulations will establish parcel-specific FARs that may vary from the district-wide aggregate (refer to Section 4.9.1, Interpreting the Land Use Diagram, for a discussion of district-wide versus parcel-specific FAR).

**LUT 43.8** Building heights in the Palomar Gateway District Mixed Use Transit Focus Area shall be low-rise, with some mid-rise buildings.

**LUT 43.9** Building heights in the Residential High designated area shall be low-rise buildings.

**LUT 43.10** In the Palomar Gateway District, permit a maximum floor area ratio of 0.5 and low-rise buildings in the Retail Commercial designated area on Industrial Boulevard adjacent to the area designated as Residential High.

*Design*

**LUT 43.11** The specific plan or other regulatory document for the Palomar Gateway District shall establish design and landscape guidelines for the improvement of Palomar Street as a gateway to the City.

**LUT 43.12** Provide for safe, effective, and aesthetic pedestrian crossings and improvements to Palomar Street and Industrial Boulevard.

---

## LAND USE AND TRANSPORTATION ELEMENT

### CHAPTER 5

#### *Amenities*

- LUT 43.13** Community amenities to be considered for the Palomar Gateway District as part of any incentive program should include, but not be limited to those listed in Policy LUT 27.1.
- LUT 43.14** Provide for the development of one Neighborhood Park within or near the Palomar Gateway District
- LUT 43.15** Establish a community/cultural center near Palomar Street and Third Avenue.

---

#### 8.4.4 West Fairfield District

---

##### Description of District

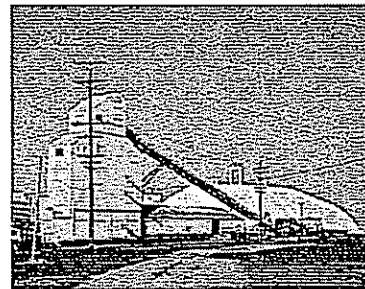
The West Fairfield District (see Figure 5-23), originally part of the Fairfield neighborhood that was severed by the construction of Interstate 5, is located on the west side of Interstate 5, between Palomar Street and Main Street, and is flanked by San Diego Bay on the west.

##### Existing Conditions

The West Fairfield District has a mix of light industrial and office uses interspersed with older, single-family homes and vacant lots. West Fairfield is somewhat isolated from the rest of Chula Vista, due to Interstate 5 forming its eastern edge. Pedestrian routes across the freeway are limited and heavily traveled by cars and trucks. Freeway on- and off-ramps at Palomar Street provide convenient freeway access into the District for vehicles.

##### Vision for District

The West Fairfield District has been redeveloped through a well-planned and coordinated master plan. There are few land use conflicts, and land uses have been expanded by reclaiming an old San Diego settlement pond to the southwest. The West Fairfield District has good freeway access at Palomar and Main Streets, and it is an employment center, with regional retail and other employment uses. An educational facility is also located in the West Fairfield District.





Planning & Building Department  
Planning Division

APPLICATION ■ DEVELOPMENT PROCESSING ■ TYPE A  
Part 1

**Type of Review Requested**

- ☐ Conditional Use Permit  
☒ Design Review  
☐ Variance  
☐ Special Use Permit (redevelopment area only)  
☐ Misc. \_\_\_\_\_

**STAFF USE ONLY**

Case #: DRC-05-39  
 Filing Date: 4-22-05 By: LT  
 Assigned Planner: Steve W. Lagg  
 Project Account: BL-694  
 Deposit Account: DQ-1168  
 Related Cases: 15-05-012  
☐ Z.A. ☒ Public Hearing

**Application Information**

Applicant Name: Olson Urban Housing LLC  
 Applicant Address: 9171 Towne Centre Drive, Ste 450 San Diego CA 92122  
 Contact Name: Grace Wilson Phone: 858-784-6554  
 Applicant's Interest in Property (If applicant is not the owner, the owner's authorization signature at the end of this form is required to process this request.) ☐ Own ☐ Rent ☒ Other: in escrow  
 Architect/Agent: n/a KTG Address: 17992 Mitchell South, Irvine, CA  
 Contact Name: Damian Tatano Phone: 949/851-2133  
 Primary contact is: ☒ Applicant ☐ Architect/Agent Email of primary contact: g.wilson@theolsonco.com

**General Project Description (all types)**

Project Name: Palomar & Industrial (Bay Vista Walk) Proposed Use: Mixed use  
 General Description of Proposed Project: To develop & construct 98 attached for sale condominiums & approx. 6000 sq ft of retail  
 Has this project received pre-application review comments? ☒ Yes (Date: \_\_\_\_\_) ☐ No

**Subject Property Information (all types)**

Location/Street Address: 705, 771, 781 & 795 Palomar St.  
 Assessor's Parcel #: 622-020-551, 65, 668 Total Acreage: 4.89 Redevelopment Area (if applicable): Siw  
 General Plan Designation: CR Zone Designation: CTP  
 Planned Community (if applicable): n/a  
 Current Land Use: Vacant Within Montgomery Specific Plan? ☐ Yes ☒ No

**Proposed Project (all types)**

Type of use proposed: ☒ Residential ☒ Commercial ☐ Industrial ☐ Other: \_\_\_\_\_  
 Landscape Coverage (% of lot): 31% Building Coverage (% of lot): 36%

4-123

## Residential Project Summary

Type of dwelling unit(s): attached condominiums Number of lots: 1

**Dwelling units:**

PROPOSED

EXISTING

1 Bedroom

n/a

## 2 Bedroom

nla

3+ Bedroom

nia

TOTAL

7/2

Density (DU/acre): 20 Maximum building height: 40 Minimum lot size: \_\_\_\_\_ Average lot size: \_\_\_\_\_

**Parking Spaces:**

Required by code: 1910 Provided: 123

Type of parking (i.e. size; whether covered, etc.): Two car garage & standard

Open space description (acres each of private, common, and landscaping): land of common recreation

81,876 open space  
private

## Non-Residential Project Summary

Gross floor area: .03 Proposed: retail/comm Existing: n/a Building Height: 40ft

Hours of operation (days & hours): thd

Anticipated number of employees: thd Maximum number of employees at any one time: thd

Number and ages of students/children (if applicable): n/a Seating capacity: n/a

**Parking Spaces:**

Required by code: 30 Provided: 17

Type of parking (i.e. size; whether covered, etc.): Standard & two disabled

Authorization Olson Urban Housing, LLC a Delaware limited liability company

Print applicant name: By its managing member The Olson Company, a California Corporation.

Applicant Signature: [Signature] Date: 4.21.05

Date: 4.21.05

**Tony Pauler**  
Senior Vice President, City and Regional President  
San Diego-In Town Communities  
The Olson Company

Print owner name\*: CIMA NV The Olson Company

Owner Signature\*: \_\_\_\_\_ Date: \_\_\_\_\_

\*Note: Proof of ownership may be required. Letter of consent may be provided in lieu of signature.

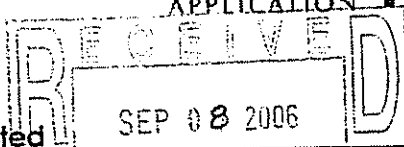
4-12A





Planning & Building Department  
Planning Division | Development Processing

APPLICATION ■ DEVELOPMENT PROCESSING ■ TYPE B  
Part 1



Type of Review Requested

- ☐ General Plan Amendment  
☐ General Development Plan ☐ New (or) ☐ Amendment  
☐ SPA/Specific Plan ☐ New (or) ☐ Amendment  
☐ Zone Change  
☒ Tentative Subdivision Map  
☐ Annexation  
☐ Other: \_\_\_\_\_

STAFF USE ONLY

Case #: PCS-07-01  
Filing Date: 9/8/06 By: H.A.  
Assigned Planner: STAN DOW  
Project Account: CA-328  
Deposit Account: 1168  
Related Cases: IC-05-012; PCZ-07-01; DRC-05-39;  
SUPS-07-01

Application Information

Applicant Name: Olson Urban Housing, A Delaware LLC

Applicant Address: 9171 Towne Centre Drive, Suite 450, San Diego, CA 92122

Contact Name: Ric Pedraza Phone: (858) 784-6528

Applicant's Interest in the Property (If applicant is not the owner, the owner's authorization signature at the end of this form is required to process this request.)  
☐ Own ☐ Lease ☐ In escrow ☒ Option to purchase

Engineer/Agent: Lundstrom + Associates Address: 1764 San Diego Ave, Suite 200

Contact Name: Troy Burns Phone: (619) 641-5900 San Diego, CA 92110

Primary contact is: ☒ Applicant ☐ Engineer/Agent Email of primary contact: rpedraza@theolsonco.com

General Project Description (all types)

Project Name: Bavista Walk Proposed Use: Mixed Use  
General Description of Proposed Project: A total of 154 multi-family condominium units with ground level retail space and subterranean parking. See attached Project Description.

Subject Property Information (all types)

Location/Street Address: Southwest corner of Palomar Street and Industrial Boulevard

Assessor's Parcel #: 622-020-05.51.65.68 Total Acreage: 5.3 Redevelopment Area (if applicable): Southwest

General Plan Designation: CR Zone Designation: CTP

Planned Community (if applicable): N/A

Current Land Use: Vacant Land Within Montgomery Specific Plan? ☐ Yes ☒ No

General Plan Amendment

N/A

Proposed Land Use Designation: \_\_\_\_\_

Justification for General Plan change: \_\_\_\_\_





## APPLICATION ■ DEVELOPMENT PROCESSING ■ TYPE B

Part 2

General Development Plan

N/A

General Development Plan Name: \_\_\_\_\_

Proposed Land Uses / Total Acres:

Commercial / _____ Acres	Industrial / _____ Acres
Parks / _____ Acres	Schools / _____ Acres
Community Purpose / _____ Acres	Circulation / _____ Acres
Public / Quasi / _____ Acres	Open Space / _____ Acres

Residential / Range:

Single Family Detached / _____ to _____ Units	_____ Acres
Single Family Attached / _____ to _____ Units	_____ Acres
Duplexes / _____ to _____ Units	_____ Acres
Apartments / _____ to _____ Units	_____ Acres
Condominiums / _____ to _____ Units	_____ Acres
TOTALS / _____ to _____ Units	_____ Acres

Annexation

N/A

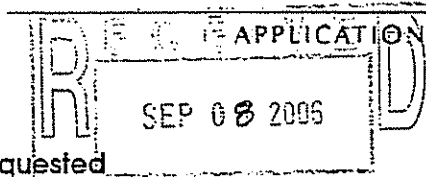
Rezoning: \_\_\_\_\_ LAFCO Reference #: \_\_\_\_\_

Tentative Subdivision MapSubdivision Name: Bayvista Walk CV Tract #: \_\_\_\_\_Minimum lot size: 1.03 AC Number of units: 154 Average lot size: N/AZone Change☒ Rezoning ☐ Rezoning ☐ SetbackProposed Zoning: CCPAuthorizationPrint applicant name: Jeff Ragland, Director of Acquisitions for Olson Urban HousingApplicant Signature: \_\_\_\_\_ Date: 8-30-06Print owner name\*: David S. Zweig, Attorney for CIMA N.V., A Netherlands Antille CorporationOwner Signature\*: \_\_\_\_\_ Date: 06 Sept 2006

\*Note: Proof of ownership may be required. Letter of consent may be provided in lieu of signature.



Planning & Building Department  
Planning Division | Development Processing



DEVELOPMENT PROCESSING ■ TYPE B  
Part 1

Type of Review Requested

- ☐ General Plan Amendment  
☐ General Development Plan ☐ New (or) ☐ Amendment  
☐ SPA/Specific Plan ☐ New (or) ☐ Amendment  
☒ Zone Change  
☐ Tentative Subdivision Map  
☐ Annexation  
☐ Other: \_\_\_\_\_

STAFF USE ONLY

Case #: PCZ-07-01  
Filing Date: 9/8/06 By: H.A.  
Assigned Planner: STAN DOWD  
Project Account: BA-212  
Deposit Account: 1168  
Related Cases: IS-05-012, PCS-07-01,  
DRC-05-39, SVPS-07-01

Application Information

Applicant Name: Olson Urban Housing, A Delaware LLC

Applicant Address: 9171 Towne Centre Drive, Suite 450, San Diego, CA 92122

Contact Name: Ric Pedraza

Phone: (858) 784-6528

Applicant's Interest in the Property (If applicant is not the owner, the owner's authorization signature at the end of this form is required to process this request.) ☐ Own ☐ Lease ☐ In escrow ☒ Option to purchase

Engineer/Agent: Lundstrom + Associates

Address: 1764 San Diego Ave, Suite 200

Contact Name: Troy Burns

Phone: (619) 641-5900 San Diego, CA 92110

Primary contact is: ☒ Applicant ☐ Engineer/Agent

Email of primary contact: rpedraza@theolsonco.com

General Project Description (all types)

Project Name: Bavvista Walk

Proposed Use: Mixed Use

General Description of Proposed Project: A total of 154 multi-family condominium units with ground level retail space and subterranean parking. See attached Project Description.

Subject Property Information (all types)

Location/Street Address: Southwest corner of Palomar Street and Industrial Boulevard

Assessor's Parcel #: 622-020-05,51.65.68 Total Acreage: 5.3 Redevelopment Area (if applicable): Southwest

General Plan Designation: CR Zone Designation: CTP

Planned Community (if applicable): N/A

Current Land Use: Vacant Land

Within Montgomery Specific Plan? ☐ Yes ☒ No

General Plan Amendment

N/A

Proposed Land Use Designation: \_\_\_\_\_

Justification for General Plan change: \_\_\_\_\_



## APPLICATION ■ DEVELOPMENT PROCESSING ■ TYPE B

Part 2

## General Development Plan

N/A

General Development Plan Name: \_\_\_\_\_

## Proposed Land Uses / Total Acres:

Commercial / _____ Acres	Industrial / _____ Acres
Parks / _____ Acres	Schools / _____ Acres
Community Purpose / _____ Acres	Circulation / _____ Acres
Public / Quasi / _____ Acres	Open Space / _____ Acres

## Residential / Range:

Single Family Detached / _____ to _____ Units	_____ Acres
Single Family Attached / _____ to _____ Units	_____ Acres
Duplexes / _____ to _____ Units	_____ Acres
Apartments / _____ to _____ Units	_____ Acres
Condominiums / _____ to _____ Units	_____ Acres
TOTALS / _____ to _____ Units	_____ Acres

## Annexation

N/A

Rezoning: \_\_\_\_\_ LAFCO Reference #: \_\_\_\_\_

## Tentative Subdivision Map

Subdivision Name: Bayvista Walk CV Tract #: \_\_\_\_\_Minimum lot size: 1.03 AC Number of units: 154 Average lot size: N/A

## Zone Change

☒ Rezoning ☐ Prezoning ☐ SetbackProposed Zoning: CCP

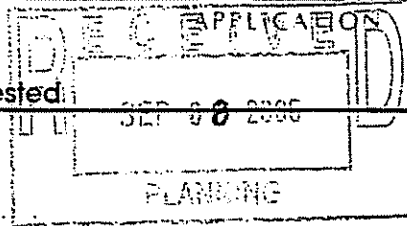
## Authorization

Print applicant name: Jeff Ragland, Director of Acquisitions for Olson Urban HousingApplicant Signature: [Signature] Date: 9-30-06Print owner name\*: David S. Zweig, Attorney for CIMA N.V., A Netherlands Antille CorporationOwner Signature\*: [Signature] Date: 06 Sept 2006

\*Note: Proof of ownership may be required. Letter of consent may be provided in lieu of signature.



Planning & Building Department  
Planning Division



DEVELOPMENT PROCESS NO. TWT A  
P. 1

Type of Review Requested:

- ☐ Conditional Use Permit  
☐ Design Review  
☐ Variance  
☒ Special Use Permit (redevelopment area only)  
☐ Misc. \_\_\_\_\_

STAFF USE ONLY

Case #: SUP5-07-01  
Filing Date: 9/28/06 By: H.A.  
Assigned Planner: Stan Donn  
Project Account: BS-065  
Deposit Account: 1168  
Related Cases: ES-05-012; PC5-07-01; PCZ-07-01  
☐ Z.A. ☒ Public Hearing DRC-05-39

Application Information

Applicant Name Olson Urban Housing, A Delaware LLC

Applicant Address 9171 Towne Centre Drive, Suite 450, San Diego, CA. 92122

Contact Name Ric Pedraza Phone (858) 784-6528

Applicant's Interest in the Property (If applicant is not the owner, the owner's authorization signature at the end of this form is required to process this request.) ☐ Own ☐ Rent ☒ Other: option to purchase

Architect/Agent: Lundstrom + Associates Address: 1764 San Diego Ave. Suite 200

Contact Name: Troy Burns Phone: (619) 641-5900 San Diego, CA 92110

Primary contact is: ☒ Applicant ☐ Architect/Agent Email of primary contact: rpedraza@theolsonco.com

General Project Description (all types)

Project Name: Bavvista Walk Proposed Use CCP

General Description of Proposed Project: A total of 154 multi-family condominium units with ground level retail space and subterranean parking. See attached Project Description

Has this project received pre-application review comments? ☐ Yes (Date: \_\_\_\_\_) ☒ No

Subject Property Information (all types)

Location/Street Address: Southwest corner of Palomar Street and Industrial Boulevard

Assessor's Parcel #: 622-020-05.51.65.68 Total Acreage: 5.3 Redevelopment Area (if applicable): Southwest

General Plan Designation: CR Zone Designation: CTP

Planned Community (if applicable): N/A

Current Land Use: Vacant Land Within Montgomery Specific Plan? ☐ Yes ☒ No

Proposed Project (all types)

Type of use proposed: ☒ Residential ☒ Commercial ☐ Industrial ☐ Other: \_\_\_\_\_

Landscape Coverage (% of lot): 25% Building Coverage (% of lot): 46%

4-129



### Residential Project Summary

Type of dwelling unit(s): MF Condominium Number of lots: 2

#### Dwelling units:

	PROPOSED	EXISTING
1 Bedroom	<u>28</u>	<u>N/A</u>
2 Bedroom	<u>80</u>	<u>N/A</u>
3+ Bedroom	<u>46</u>	<u>N/A</u>
TOTAL	<u>154</u>	<u>N/A</u>

Density (DU/acre): 29.1 Maximum building height: 65 ft Minimum lot size: 1.0 AC Average lot size: N/A

#### Parking Spaces:

Required by code: 306 Provided: 344

Type of parking (i.e. size; whether covered, etc.): 188 private garage, 125 assigned garage, 28 standard, 3 disabled

Open space description (acres each of private, common and landscaping): \_\_\_\_\_

### Non-Residential Project Summary N/A

Gross floor area: 8,244 sf Proposed: Retail Existing: N/A Building Height: 65 ft

Hours of operation (days & hours): To Be Determined (TBD)

Anticipated number of employees: TBD Maximum number of employees at any one time: TBD

Numbers and ages of students/children (if applicable): N/A Seating capacity: N/A

#### Parking Spaces:

Required by code: 32 Provided: 32

Type of parking (i.e. size; whether covered, etc.): 31 standard, 1 disabled

### Authorization

Print applicant name: Jeff Ragland, Director of Acquisitions for Olson Urban Housing

Applicant Signature: [Signature] Date: 8-31-06

Print owner name\*: David S. Zweig, Attorney for CIMA N.V., A Netherlands Antille Corporation

Owner Signature\*: [Signature] Date: 06 Sept. 2006

\*Note: Proof of ownership may be required. Letter of consent may be provided in lieu of signature.

4-130



CITY OF  
CHULA VISTA

APPLICATION CANNOT BE ACCEPTED UNLESS SITE  
PLAN IS FOLDED TO FIT INTO AN 8-1/2 X 11 FOLDER

Planning & Building Department  
Planning Division | Development Processing

PRELIMINARY ENVIRONMENTAL REVIEW

City of Chula Vista  
Application Form

For Office Use Only  
Case No. IS-05-017  
Dpst. Amnt. \_\_\_\_\_  
Receipt No. \_\_\_\_\_  
Date Rec'd. 2/8/05  
Accepted by BV  
Project No. FA-1031  
Dpst. No. DO-1168  
CIP No. \_\_\_\_\_  
Related Case No. DRC-05-039

A. BACKGROUND

1. Project Title Palomar & Industrial
2. Project Location (Street address or description) Palomar & Industrial - South West Corner
3. Assessors Book, Page & Parcel No. 622-020-05 51, 65, 62  
Brief Project Description Up to 105 multi-family residential units and up to 10,000 sq. ft. of retail space
4. Name of Applicant The Olson Company  
Address 9171 Towne Centre #450 Fax # 658/455-5197 Phone 658/784-6554  
City San Diego State CA Zip 92122
5. Name of Preparer/Agent Grace Wilson  
Address 9171 Towne Centre #450 Fax # 658/455-5197 Phone 658/784-6554  
City San Diego State CA Zip 92122  
Relation to Applicant Employee
6. Indicate all permits or approvals and enclosures or documents required by the Environmental Review Coordinator.

a. Permits or approvals required.

☐ General Plan Amendment  
☒ Rezone/Prezone  
☐ Grading Permit  
☐ Tentative Parcel Map  
☐ Site Plan & Arch. Review  
☐ Special Use Permit

☒ Design Review Application  
☒ Tentative Subd. Map  
☐ Redevelopment Agency OPA  
☐ Redevelopment Agency DDA  
☐ Public Project  
☐ Annexation

☐ Specific Plan  
☐ Conditional Use Permit  
☐ Variance  
☐ Coastal Development  
☐ Other Permit

If Project is a General Plan Amendment and/or rezone, please indicate the change in designation from \_\_\_\_\_ to \_\_\_\_\_

b. Enclosures or documents (as required by the Environmental Review Coordinator).

☐ Grading Plan  
☐ Parcel Map  
☐ Precise Plan  
☐ Specific Plan  
☐ Traffic Impact Report  
☒ Hazardous Waste Assessment - Phase 1

☐ Arch. Elevations  
☐ Landscape Plans  
☐ Tentative Subd. Map  
☐ Improvement Plans  
☒ Soils Report  
☐ Geotechnical Report

☐ Hydrological Study  
☐ Biological Study  
☐ Archaeological Study  
☐ Noise Assessment  
☐ Other Agency Permit  
☒ Other - Phase 2

4-131

7. Indicate other applications for permits or approvals that are being submitted at this time.

a. Permits or approval required.

<input type="checkbox"/> General Plan Amendment	<input checked="" type="checkbox"/> Design Review Application	<input type="checkbox"/> Specific Plan
<input checked="" type="checkbox"/> Rezone/Prezone	<input checked="" type="checkbox"/> Tentative Subd. Map	<input type="checkbox"/> Conditional Use Permit
<input type="checkbox"/> Grading Permit	<input type="checkbox"/> Redevelopment Agency OPA	<input type="checkbox"/> Variance
<input type="checkbox"/> Tentative Parcel Map	<input type="checkbox"/> Redevelopment Agency DDA	<input type="checkbox"/> Coastal Development
<input type="checkbox"/> Site Plan & Arch. Review	<input type="checkbox"/> Public Project	<input type="checkbox"/> Other Permit
<input type="checkbox"/> Special Use Permit	<input type="checkbox"/> Annexation	

B. PROPOSED PROJECT

1. a. Land Area: square footage \_\_\_\_\_ or acreage 5  
If land area to be dedicated, state acreage and purpose. WPA

b. Does the project involve the construction of new buildings, or will existing structure be utilized?  
all new construction

2. Complete this section if project is residential or mixed use.

a. Type of development: ☐ Single-Family ☐ Two Family ☒ Multi-Family  
☐ Townhouse ☐ Condominium

b. Total number of structures \_\_\_\_\_

c. Maximum height of structures \_\_\_\_\_

d. Number of Units: 1 bedroom 0  
2 bedrooms \_\_\_\_\_  
3 bedrooms \_\_\_\_\_  
4 bedrooms \_\_\_\_\_  
Total Units up to 110

e. Gross density (DU/total acres) \_\_\_\_\_

f. Net density (DU/total acres minus any dedication) \_\_\_\_\_

g. Estimated project population \_\_\_\_\_

h. Estimated sale or rental price range \_\_\_\_\_

i. Square footage of structure \_\_\_\_\_

j. Percent of lot coverage by buildings or structures \_\_\_\_\_

k. Number of on-site parking spaces to be provided \_\_\_\_\_

l. Percent of site in road and paved surface \_\_\_\_\_

3. Complete this section if project is commercial or industrial or mixed use.

a. Type(s) of land use RESIDENTIAL / COMMERCIAL

b. Floor area Comm = 19,000 Height of structure(s) 1-3 stories

c. Type of construction used in the structure Type S

d. Describe major access points to the structures and the orientation to adjoining properties and streets From Industrial

e. Number of on-site parking spaces provided \_\_\_\_\_

f. Estimated number of employees per shift \_\_\_\_\_  
Number of shifts \_\_\_\_\_ Total \_\_\_\_\_

g. Estimated number of customers (per day) and basis of estimate \_\_\_\_\_

h. Estimated number of deliveries per day \_\_\_\_\_



- i. Estimated range of service area and basis of estimate \_\_\_\_\_
  - j. Type/extent of operations not in enclosed buildings \_\_\_\_\_
  - k. Hours of operation \_\_\_\_\_
  - l. Type of exterior lighting \_\_\_\_\_
4. If project is other than residential, commercial or industrial, complete this section.
- a. Type of project WA \_\_\_\_\_
  - b. Type of facilities provided \_\_\_\_\_
  - c. Square feet of enclosed structures \_\_\_\_\_
  - d. Height of structure(s) - maximum \_\_\_\_\_
  - e. Ultimate occupancy load of project \_\_\_\_\_
  - f. Number of on-site parking spaces to be provided \_\_\_\_\_
  - g. Square feet of road and paved surfaces \_\_\_\_\_
  - h. Additional project characteristics \_\_\_\_\_

C. PROJECT CHARACTERISTICS

1. Will the project be required to obtain a permit through the Air Pollution Control District (APCD)? no
2. Is any type of grading or excavation of the property anticipated? yes  
If yes, complete the following:
  - a. Excluding trenches to be backfilled, how many cubic yards of earth will be excavated? \_\_\_\_\_
  - b. How many cubic yards of fill will be placed? \_\_\_\_\_
  - c. How much area (sq. ft. or acres) will be graded? \_\_\_\_\_
  - d. What will be the: Maximum depth of cut \_\_\_\_\_  
Average depth of cut \_\_\_\_\_  
Maximum depth of fill \_\_\_\_\_  
Average depth of fill \_\_\_\_\_
3. Describe all energy consuming devices, which are part of the proposed project and the type of energy used (air conditioning, electrical appliance, heating equipment, etc.).  
air conditioning, heating, home appliances
4. Indicate the amount of natural open space that is part of the project (sq. ft. or acres)  
\_\_\_\_\_
5. If the project will result in any employment opportunities, describe the nature and type of these jobs.  
\_\_\_\_\_  
\_\_\_\_\_
6. Will highly flammable or potentially explosive materials or substances be used or stored within the project site? no

7. How many estimated automobile trips, per day, will be generated by the project? \_\_\_\_\_
8. Describe (if any) off-site improvements necessary to implement the project, and their points of access or connection to the project site. Improvements include but not limited to the following: new streets; street widening; extension of gas, electric and sewer lines; cut and fill slopes; and pedestrian and bicycle facilities. potentially curb + gutter along Palomar and Industrial

D. DESCRIPTION OF ENVIRONMENTAL SETTING

1. Geology  
Has a geology study been conducted on the property? Preliminary Study  
(If yes, please attach.)  
Has a soils report on the project site been made? Preliminary Study  
(If yes, please attach.)
2. Hydrology  
Are any of the following features present on or adjacent to the site? \_\_\_\_\_  
(If yes, explain in detail.)  
a. Is there any surface evidence of a shallow ground water table? no  
b. Are there any watercourses or drainage improvements on or adjacent to the site?  
no  
c. Does runoff from the project site drain directly into or toward a domestic water supply, lake, reservoir or bay? no  
d. Could drainage from the site cause erosion or siltation to adjacent areas? no
3. Noise  
a. Are there any noise sources in the project vicinity, which may impact the project site?  
freeway, trolley  
b. Will noise from the project impact any sensitive receptors (hospitals, schools, single-family residences)? no
4. Biology  
a. Does the site involve any Coastal Sage Scrub vegetation? no  
b. Is the project site in a natural or partially natural state? no  
c. If yes, has a biological survey been conducted on the property?  
Yes \_\_\_ No \_\_\_ (Please attach a copy.)  
d. Describe all trees and vegetation on the site. Indicate location, height, diameter and species of trees, and which (if any) will be removed by the project. site has been cleared at some unknown point in the past

4-134

5. Past Use of the Land
- a. Are there any known historical or archeological resources located on or near the project site?  
no
- b. Are there any known paleontological resources? no
- c. Have there been any hazardous materials disposed of or stored on or near the project site?  
no
- d. What was the land previously used for? farming
6. Current Land Use
- a. Describe all structures and land uses currently existing on the project site. none
- b. Describe all structures and land uses currently existing on adjacent property.
- |       |                 |
|-------|-----------------|
| North | <u>retail</u>   |
| South | <u>homes</u>    |
| East  | <u>trailing</u> |
| West  | <u>freeway</u>  |
7. Social
- a. Are there any residents on site? no If so, how many? NA
- b. Are there any current employment opportunities on site? no  
If so, how many and what type? NA
8. Please provide any other information, which may assist in the evaluation of the proposed project.
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

4-135

E. CERTIFICATION

I, as owner/owner in escrow\*

\_\_\_\_\_

\_\_\_\_\_

Print name

Or

I, consultant or agent\*

Grace Wilson - The Olson Co.

Print name

HERBY AFFIRM, that to the best of my belief, the statements and information herein contained are in all respects true and correct and that all known information concerning the project and its setting has been included in this application for a Preliminary Environmental Review of possible environmental impact and any enclosures for attachments thereto.

\_\_\_\_\_

Owner/Owner in escrow Signature

Or

Grace Wilson

Consultant or Agent Signature

1/29/05

Date

\*If acting for a corporation, include capacity and company name.

4-134



Planning & Building Department  
Planning Division | Development Processing

PRELIMINARY ENVIRONMENTAL REVIEW PROCESSING AGREEMENT

Name of Applicant: The Olson Co. Phone 858 784-6554  
Address: 9171 Towne Centre #450 State CA Zip 92122  
City: San Diego  
Name of Authorized Representative (if signatory): Grace Wilson Phone 858 784-6554  
Address: 9171 Towne Centre #450 State CA Zip 92122  
City: San Diego  
Agreement Date: \_\_\_\_\_  
Deposit Amount: \_\_\_\_\_

This Agreement ("Agreement") between the City of Chula Vista, a chartered municipal corporation ("City") and the forenamed applicant for a Preliminary Environmental Review ("Applicant"), effective as of the agreement Date set forth above, is made with reference to the following facts:

Whereas, the Applicant has applied to the City for a Preliminary Environmental Review of the type aforereferenced ("Preliminary Environmental Review") which the City has required to be obtained as a condition to permitting the Applicant to develop a parcel of property; and,

Whereas, the City will incur expenses in order to process said Preliminary Environmental Review through the various departments and before the various boards and commissions of the City ("Processing Services"); and,

Whereas, the purpose of this agreement is to reimburse the City for all expenses it will incur in connection with providing the Processing Services.

Now, therefore, the parties do hereby agree, in exchange for the mutual promises herein contained, as follows:

I. Applicant's Duty to Pay.

The Applicant shall pay all of the City's expenses incurred in providing Processing Service related to applicant's Preliminary Environmental Review, including all of the City's direct and overhead costs related thereto. This duty of the applicant shall be referred to herein as the "Applicant's Duty to Pay."

A. Applicant's Deposit Duty

As partial performance of the Applicant's Duty to Pay, the Applicant shall deposit the amount aforereferenced ("Deposit").

1. The City shall charge its lawful expenses incurred in providing Processing Services against the Applicant's Deposit. If, after the conclusion of processing the Applicant's Preliminary Environmental Review, any portion of the Deposit remains, the City shall return said balance to the Applicant without interest thereon. If, during the processing of the Applicant's Preliminary Environmental Review, the amount of the Deposit becomes exhausted, or is imminently likely to become exhausted in the opinion of the City, upon notice of same by the City, the Applicant shall forthwith provide such additional deposit as the City shall calculate as reasonably necessary to continue to provide Processing Services. The duty of the Applicant to initially deposit and to supplement said deposit as herein required shall be known as the "Applicant's Deposit Duty".

II. City's Duty

The City shall, upon the condition that the Applicant's is not in breach of the Applicant's Duty to Pay or the Applicant's Deposit Duty, use good faith to provide processing services in relation to the Applicant's Preliminary Environmental Review application.

4-137

City of Chula Vista  
Preliminary Environmental Review  
Processing Agreement

- A. The City shall have no liability hereunder to the Applicant for the failure to process the Applicant's Preliminary Environmental Review application, or for failure to process the Applicant's Preliminary Environmental Review within the time frame requested by the Applicant or estimated by the City.
- B. By execution of this agreement, the Applicant shall have no right to direct or otherwise influence the conduct of the Preliminary Environmental Review, for which the applicant has applied. The City shall use its discretion in evaluation the Applicant's Preliminary Environmental Review application without regard to the Applicant's promise to pay for the Processing Services, or the execution of the Agreement.

III. Remedies

A. Suspension of Processing

In addition to all other rights and remedies which the City shall otherwise have at law or equity, the City has the right to suspend and/or withhold the processing of the Preliminary Environmental Review which is the subject matter of this Agreement, as well as the Preliminary Environmental Review which may be the subject matter of any Permit which Applicant has before the City.

B. Civil Collection

In addition to all other rights and remedies which the City shall otherwise have at law or equity, the City has the right to collect all sums which are or may become due hereunder by civil action, and upon instituting litigation to collect same, the prevailing party shall be entitled to reasonable attorney's fees had costs.

IV. Miscellaneous

A. Notices

All notices, demands or requests provided for or permitted to be given pursuant to this Agreement must be in writing. All notices, demands and requests to be sent to any party shall be deemed to have been properly given or served if personally served or deposited in the United States mail, addressed to such party, postage prepaid, registered or certified, with return receipt requested, at the addresses identified adjacent to the signatures of the parties represented.

B. Governing Law/Venue

This Agreement shall be governed by and construed in accordance with the Laws of the State of California. Any action arising under or relating to this Agreement shall be brought only in the federal or state courts located in San Diego County, State of California, and if applicable, the City of Chula Vista, or as close thereto as possible. Venue for this agreement, and performance hereunder, shall be the City of Chula Vista.

C. Multiple Signatories

If there are multiple signatories to this agreement on behalf of Applicant, each of such signatories shall be jointly and severally liable for the performance of Applicant's duties herein set forth.

D. Signatory Authority

The signatory to this agreement hereby warrants and represents that it is the duly designated agent for the Applicant and has been duly authorized by the Applicant to execute this Agreement on behalf of the Applicant. Signatory shall be personally liable for Applicant's Duty To Pay and Applicant's Duty to Deposit in the event it has not been authorized to execute this Agreement by the Applicant.

4-138

City of Chula Vista  
Preliminary Environmental Review  
Processing Agreement

E. Hold Harmless

Applicant shall defend, indemnify and hold harmless the City, its elected and appointed officers and employees, from and against all claims for damages, liability, cost and expense (including without limitation attorneys' fees) arising out of processing Applicant's Preliminary Environmental Review, except only for those claims arising from the sole negligence or sole willful conduct of the City, its officers, agents, or employees in defending against such claims, whether the same proceed to judgment or not. Further, the Applicant, at its own expense, shall, upon written request by the City, defend any such suit or action brought against the City, its officers, agents, or employees. Applicant's indemnification of the City shall be limited by any prior or subsequent declaration by the Applicant.

F. Administrative Claims Requirements and Procedures.

No suit or arbitration shall be brought arising out of this agreement, against the City unless a claim has first been presented in writing and filed with the City of Chula Vista and acted upon by the City of Chula Vista in accordance with the procedures set forth in Chapter 1.34 of the Chula Vista Municipal Code, as same may from time to time be amended, the provisions of which are incorporated by the reference as if fully set forth herein, and such policies and procedures used by the City in the implementation of same. Upon request by the City, the Applicant shall meet and confer in good faith with the City for the purpose of resolving any dispute over the terms of this Agreement.

Now, therefore, the parties hereto, having read and understood the terms and conditions of this agreement, do hereby express their consent to the terms hereof by setting their hand hereto on the date set forth adjacent thereto.

City CITY OF CHULA VISTA

City of Chula Vista  
276 Fourth Avenue  
Chula Vista, CA 91910

By: \_\_\_\_\_

Dated: \_\_\_\_\_

Applicant (or authorized representative)

The Olson Co. - Graa Wilson  
9171 Towne Centre #450  
San Diego, CA 92122

By: Graa Wilson

By: \_\_\_\_\_

Dated: 1/29/05

4139

**BAYVISTA WALK DEVELOPMENT PROPOSAL  
PALOMAR STREET AT INDUSTRIAL BOULEVARD**

**Project Description**

The proposal is for the construction of a two-phase mixed-use residential/commercial project. Phase 1, on a 4-acre lot, would include 104 townhome condominiums in 10 building structures. The townhomes are proposed as three-story units with 2-car garages. Phase 2, on a 0.89-acre lot, would be a mixed-use podium building consisting of 5,000 to 10,000 square feet of retail commercial area on the first floor with the remaining second through fifth floors consisting of 50 residential units. Parking for the mixed-use podium would be provided in a subterranean garage. The project provides private open space (in the form of decks or patios), as well as common open space in the form of active and passive recreation and leisure areas.

The proposed project requires the processing of the following applications: design review application, re-zone of the site from CT-P to CC-P, Conditional Use Permit application for the proposed commercial/residential project, and a Tentative Subdivision Map for the condominiums. The following city review bodies would consider the various aspects of the project: Redevelopment Advisory Committee, Housing Advisory Commission, Planning Commission, Chula Vista Redevelopment Corporation, and City Council.

**Compliance with Zoning and Plans**

The project site is currently zoned Thoroughfare Commercial with a Precise Plan designator (CT-P) and the General Plan designation is Transit Focus Area. The applicant has applied for a rezone to Central Commercial with a Precise Plan modifier (CC-P), as well as a conditional use permit to allow the proposed commercial/residential (mixed-use) development, pursuant to the requirements of the Apartment Residential zone (R-3). The proposed project will be consistent with the regulations of the R-3 zone and the goals, policies and density requirements of the Palomar Gateway Transit Focus Area identified in the City's 2005 General Plan.

**Land Use Analysis**

The proposed project site is located on Palomar Street between Industrial Boulevard and Frontage Road, within the Southwest part of the City. It is located across Industrial Boulevard from the Palomar Trolley Station and approximately a quarter-mile from the Interstate 5 Palomar Exit Ramp. The project site is part of the Palomar Gateway District, and is designated by the 2005 General Plan as a Mixed-Use Transit Focus Area. General Plan Objective LUT 43 calls for the establishment of a Mixed Use Area around the Palomar Trolley Stations and provides a set of detailed policies in terms of development uses, intensity, design and amenities for the District.

4-140



In addition to the General Plan objective and policies, an urban design strategy, entitled "Palomar Gateway TOD District Conceptual Development Strategy" was developed to provide further direction for transit-oriented design. Combined, these two documents seek to ensure goals of the District are met, such as: urban development with low- and high-rise development, higher density, clustering residential and retail (mixed-use), affordable housing opportunities, providing a "Gateway" entrance, and pedestrian connectivity to the trolley station and future neighborhood park on Oxford Street.

### *Intensity/Height*

The proposed project includes two phases of development. The first phase provides 104 residential condominiums proposed on Lot 1 at a density of 26 DU/AC in three-story townhome building structures. The second phase (Lot 2) includes the construction of a mixed-use, podium building with 5,000-10,000 square feet of street level retail uses and 50 residential units on floors two through five for a density of 56.2 DU/AC on the corner of Industrial Boulevard and Palomar, closest to the trolley station.

Between Lots 1 and 2, the project provides a mix of low- (3 stories) and mid-rise (5 stories) buildings per LUT Section 43.8. In addition, the podium building provides street level retail development with residential uses above and behind it for a combined density for Lots 1 and 2 of 31.5 DU/AC. While this is less than the goal of 40 DU/AC for the entire Palomar Gateway District as mentioned in Section 43.6 of the LUT, it is equally important to provide a mix of urban solutions in the District, with higher densities adjacent to the trolley station as proposed on Lot 2. It is anticipated that more dense projects will be developed in the future that will bring the average density up to meet the goal for the overall District.

The General Plan and urban design strategy also identify objectives to provide affordable housing close to the transit center and pedestrian connectivity to both the trolley station and future neighborhood park. As proposed, Lot 2 will be conveyed to the City for future development of affordable and market rate housing. While the developers inclusionary requirement is 10% of the total project, or 16 units, this project will leverage additional affordable units since projects with City participation have a higher inclusionary requirement of 15% or 23 units. In addition, BayVista Walk residents will have access to the trolley station to the northeast and future neighborhood park to the south through a system of internal pedestrian walkways, a main pedestrian paseo, enhanced pavement features, and direct access along Palomar Street for 32 units in Lot 1 with front doors adjacent to the sidewalk.

Overall, the combined project provides consistency with goals and objectives of the General Plan Palomar Gateway District.

## Disclosure Statement

Pursuant to Council Policy 101-01, prior to any action upon matters that will require discretionary action by the Council, Planning Commission and all other official bodies of the City, a statement of disclosure of certain ownership or financial interests, payments, or campaign contributions for a City of Chula Vista election must be filed. The following information must be disclosed:

1. List the names of all persons having a financial interest in the property that is the subject of the application or the contract, e.g., owner, applicant, contractor, subcontractor, material supplier.

CIMA, NV  
The Olson Company

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. If any person\* identified pursuant to (1) above is a corporation or partnership, list the names of all individuals with a \$2000 investment in the business (corporation/partnership) entity.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. If any person\* identified pursuant to (1) above is a non-profit organization or trust, list the names of any person serving as director of the non-profit organization or as trustee or beneficiary or trustor of the trust.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4. Please identify every person, including any agents, employees, consultants, or independent contractors you have assigned to represent you before the City in this matter.

The Olson Company - All employees GMP - all employees  
Lundstrom & Assoc. - All Employees  
WHA - All employees

\_\_\_\_\_  
\_\_\_\_\_

5. Has any person\* associated with this contract had any financial dealings with an official\*\* of the City of Chula Vista as it relates to this contract within the past 12 months. Yes \_\_\_ No X

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

If Yes, briefly describe the nature of the financial interest the official\*\* may have in this contract.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

6. Have you made a contribution of more than \$250 within the past twelve (12) months to a current member of the Chula Vista City Council? No X Yes \_\_\_ If yes, which Council member?

\_\_\_\_\_

7. Have you provided more than \$340 (or an item of equivalent value) to an official\*\* of the City of Chula Vista in the past twelve (12) months? (This includes being a source of income, money to retire a legal debt, gift, loan, etc.)  
Yes \_\_\_ No X

If Yes, which official\*\* and what was the nature of item provided?

Date: 8-27-07

  
Signature of Contractor/Applicant

Kim Prijatel VP Development  
Print or type name of Contractor/Applicant The Olson Co.

- \* Person is defined as: any individual, firm, co-partnership, joint venture, association, social club, fraternal organization, corporation, estate, trust, receiver, syndicate, any other county, city, municipality, district, or other political subdivision, -or any other group or combination acting as a unit.
- \*\* Official includes, but is not limited to: Mayor, Council member, Chula Vista Redevelopment Corporation member, Planning Commissioner, member of a board, commission, or committee of the City, employee, or staff members.

September 8, 2006

4-142



Planning & Building Department  
Planning Division | Development Processing

APPLICATION APPENDIX C

Development Permit Processing Agreement

Permit Applicant: The Olson Company  
Applicant's Address: 9171 Towne Centre Dr. Suite 450, San Diego CA 92122  
Type of Permit: Zone Change, Tentative Subdivision Map, Design Review  
Agreement Date: 2/8/05  
Deposit Amount: \$5,000

This Agreement ("Agreement") between the City of Chula Vista, a chartered municipal corporation ("City") and the forenamed applicant for a development permit ("Applicant"), effective as of the Agreement Date set forth above, is made with reference to the following facts:

Whereas, Applicant has applied to the City for a permit of the type aforereferenced ("Permit") which the City has required to be obtained as a condition to permitting Applicant to develop a parcel of property; and,

Whereas, the City will incur expenses in order to process said permit through the various departments and before the various boards and commissions of the City ("Processing Services"); and,

Whereas the purpose of this agreement is to reimburse the City for all expenses it will incur in connection with providing the Processing Services;

Now, therefore, the parties do hereby agree, in exchange for the mutual promises herein contained, as follows:

1. Applicant's Duty to Pay.  
Applicant shall pay all of City's expenses incurred in providing Processing Services related to Applicant's Permit, including all of City's direct and overhead costs related thereto. This duty of Applicant shall be referred to herein as "Applicant's Duty to Pay."

1.1. Applicant's Deposit Duty.  
As partial performance of Applicant's Duty to Pay, Applicant shall deposit the amount aforereferenced ("Deposit").

1.1.1. City shall charge its lawful expenses incurred in providing Processing Services against Applicant's Deposit. If, after the conclusion of processing Applicant's Permit, any portion of the Deposit remains, City shall return said balance to Applicant without interest thereon. If, during the processing of Applicant's Permit, the amount of the Deposit becomes exhausted, or is imminently likely to become exhausted in the opinion of the City, upon notice of same by City, Applicant shall forthwith provide such additional deposit as City shall calculate as reasonably necessary to continue Processing Services. The duty of Applicant to initially deposit and to supplement said deposit as herein required shall be known as "Applicant's Deposit Duty".

2. City's Duty.  
City shall, upon the condition that Applicant is no in breach of Applicant's Duty to Pay or Applicant's Deposit Duty, use good faith to provide processing services in relation to Applicant's Permit application.

2.1. City shall have no liability hereunder to Applicant for the failure to process Applicant's Permit application, or for failure to process Applicant's Permit within the time frame requested by Applicant or estimated by City.

4-143



## Development Permit Processing Agreement – Page 2

2.2. By execution of this agreement Applicant shall have no right to the Permit for which Applicant has applied. City shall use its discretion in valuating Applicant's Permit Application without regard to Applicant's promise to pay for the Processing Services, or the execution of the Agreement.

### 3. Remedies.

#### 3.1. Suspension of Processing

In addition to all other rights and remedies which the City shall otherwise have at law or equity, the City has the right to suspend and/or withhold the processing of the Permit which is the subject matter of this Agreement, as well as the Permit which may be the subject matter of any other Permit which Applicant has before the City.

#### 3.2. Civil Collection

In addition to all other rights and remedies which the City shall otherwise have at law or equity, the City has the right to collect all sums which are or may become due hereunder by civil action, and upon instituting litigation to collect same, the prevailing party shall be entitled to reasonable attorney's fees and costs.

### 4. Miscellaneous.

#### 4.1 Notices.

All notices, demands or requests provided for or permitted to be given pursuant to this Agreement must be in writing. All notices, demands and requests to be sent to any party shall be deemed to have been properly given or served if personally served or deposited in the United States mail, addressed to such party, postage prepaid, registered or certified, with return receipt requested at the addresses identified adjacent to the signatures of the parties represented.

#### 4.2 Governing Law/Venue.

This Agreement shall be governed by and construed in accordance with the laws of the State of California. Any action arising under or relating to this Agreement shall be brought only in the federal or state courts located in San Diego County, State of California, and if applicable, the City of Chula Vista, or as close thereto as possible. Venue for this Agreement, and performance hereunder, shall be the City of Chula Vista.

#### 4.3. Multiple Signatories.

If there are multiple signatories to this agreement on behalf of Applicant, each of such signatories shall be jointly and severally liable for the performance of Applicant's duties herein set forth.

#### 4.4. Signatory Authority.

This signatory to this agreement hereby warrants and represents that he is the duly designated agent for the Applicant and has been duly authorized by the Applicant to execute this Agreement on behalf of the Applicant. Signatory shall be personally liable for Applicant's Duty to Pay and Applicant's Duty to Deposit in the event he has not been authorized to execute this Agreement by Applicant.

#### 4.5 Hold Harmless.

Applicant shall defend, indemnify and hold harmless the City, its elected and appointed officers and employees, from and against any claims, suits, actions or proceedings, judicial or administrative, for writs, orders, injunction or other relief, damages, liability, cost and expense (including without limitation attorneys' fees) arising out of City's actions in processing or issuing Applicant's Permit, or in exercising any discretion related thereto including but not limited to the giving of proper environmental review, the holding of public hearings, the extension of due process rights, except only for those claims, suits, actions or proceedings arising from the sole negligence or sole willful conduct of the City, its officers, or employees known to, but not objected to, by the Applicant. Applicant's indemnification shall include any and all costs, expenses, attorney's fees and liability incurred by the City, its officers, agents, or employees in defending against such claims, whether the same proceed to judgement or not. Further, Applicant, at its own expense, shall, upon written request by the City, defend any such suit or action brought against the City, its officers, agents, or employees. Applicant's indemnification of City shall not be limited by any prior or subsequent declaration by the

4-144



### Development Permit Processing Agreement – Page 3

Applicant. At its sole discretion, the City may participate at its own expense in the defense of any such action, but such participation shall not relieve the applicant of any obligation imposed by this condition.

#### 4.6 Administrative Claims Requirements and Procedures.

No suit or arbitration shall be brought arising out of this agreement against the City unless a claim has first been presented in writing and filed with the City of Chula Vista and acted upon by the City of Chula Vista in accordance with the procedures set forth in Chapter 1.34 of the Chula Vista Municipal Code, as same may from time to time be amended, the provisions of which are incorporated by this reference as if fully set forth herein, and such policies and procedures used by the City in the implementation of same. Upon request by City, Consultant shall meet and confer in good faith with City for the purpose of resolving any dispute over the terms of this Agreement.

Now therefore, the parties hereto, having read and understood the terms and conditions of this agreement, do hereby express their consent to the terms hereof by setting their hand hereto on the date set forth adjacent thereto.

Dated: \_\_\_\_\_

City of Chula Vista  
276 Fourth Avenue  
Chula Vista, CA

By: \_\_\_\_\_

Dated: 2/8/05

The Olson Co.  
9171 Towne Centre #450  
San Diego, CA 92122

By: [Signature]

4-145

WHEN RECORDED PLEASE MAIL TO:

CITY OF CHULA VISTA  
City Clerk  
276 Fourth Avenue  
Chula Vista, CA 91910

THIS SPACE FOR RECORDER'S USE ONLY

**Design Review and Conditional Use Permit Conditions  
Bayvista Walk Mixed-Use Development Project  
765-795 Palomar Street**

The Chula Vista City Council does hereby approve Design Review Permit DRC-05-39 and Conditional Use Permit SUPS-07-01, subject to adoption of the Rezone PCZ-07-01, Precise Plan Modifying Standards and the following list of conditions:

**COMMUNITY DEVELOPMENT DEPARTMENT**

1. Lot 1 (Phase 1) of the subject property ("Project") shall be developed and maintained in conformance with the approved application, plans, and color and material board, except as modified herein.
2. Applicant of Lot 1 shall submit all exterior lighting plans, landscape and irrigation plans, solid waste and recycling plans for review and approval prior to the issuance of first building permit for the project, to the satisfaction of the City Engineer. Applicant shall provide sufficient lighting for parking along the southern driveway.
3. Applicant of Lot 1 shall implement all exterior lighting plans, landscape and irrigation plans, solid waste and recycling plans prior to the issuance of the first building permit for Phase 1 of the project, to the satisfaction of the City Engineer. Applicant shall maintain these improvements in accordance with said plans.
4. Prior to leasing any retail space, the Developer of Lot 2 shall submit written description for hours of operation for the tenants of the retail/commercial uses to the Director of Planning and Building for review and approval. The hours of operation shall be such that there is no conflict with the residential units.
5. The Project shall be constructed with rooftop patios at the two end-units of all the 9-plex buildings in order to provide additional private usable open space.
6. All utility meters and closets shall be painted to match the colors of the building elevations.
7. Identification signs shall be limited to those signs permitted by Section 19.60.400 and Section 19.60.410 of the Chula Vista Municipal Code (CVMC) and shall comply with the regulations stated therein.

4-146

8. A graffiti resistant treatment shall be to all wall and building surfaces as shown on all approved building and wall plans. Said plans shall be submitted for City approval prior to issuance of the first building permits.
9. All ground mounted utility appurtenances, such as transformers, AC condensers, etc., shall be located out of public view and adequately screened using a combination of concrete or masonry walls, grade contouring (berming), and landscaping to the satisfaction of the City.

#### **PLANNING AND BUILDING DEPARTMENT CONDITIONS**

10. The Project shall comply with 2005 Energy Requirements, 2001 Handicap Accessibility Requirements, and SB1025. In addition, plans submitted on or after January 1, 2008 must comply with new international codes
11. The Project shall comply with applicable codes and requirements, including but not limited to 2001 CBC, CFC, CMC, CPC, ADA, and 2004 CEC requirements.
12. The Project shall comply with Table 5A, Table 5B, Section 503.4, Chapter 12, 10 and 9 of Building Code with regards to Area Limits, Height of the Building, Location of Property, Special Occupancy Requirements, Ventilation, Exits and Sprinklers.
13. The Project shall comply with Seismic Zone 4, wind speed 70 MPH exposure C, and other codes in effect at the time of issuance of any permit.
14. Applicant of Lot 1 shall submit a final landscape and irrigation plan (prepared by a licensed Landscape Architect) for the project prior to the issuance of first building permit for review of the City's Landscape Planner and City Arborist.
15. The applicant of Lot 1 and Lot 2 shall implement and comply with, to the satisfaction of the Planning and Building Department and the City Engineering Division, the mitigation measures identified in the Bayvista Walk Mitigated Negative Declaration (IS-05-012) and Mitigation Monitoring and Reporting Program.

#### **ENGINEERING AND PUBLIC WORKS DEPARTMENT CONDITIONS**

16. Any onsite sewer and storm drain system shall be private. All sewer laterals and storm drains shall be privately maintained from each building to the City maintained public facilities.
17. The applicant of Lot 1 shall complete the applicable Storm Water Compliance Forms and comply with the City of Chula Vista's Storm Water Management Standards Requirements Manual. These forms shall be submitted with the grading plans. All projects falling under the Priority Development Project Categories are required to comply with the Standard Urban Storm Water Mitigation Plans (SUSMP) and Numeric Sizing Criteria. Based on the Completion of the Storm Water Compliance Forms, the project may be required to submit a

9-1A7



SWPPP and Water Quality Technical Report (WQTR) with the submittal of the grading plans. The following items shall be incorporated in the grading plans and related reports:

- a. Grading Plans: The Applicant of Lot 1 is required to implement Best Management Practices (BMPs) to prevent pollution of the storm water conveyance systems, both during and after construction. Permanent storm water requirements shall be incorporated into the project design, and shall be shown on the grading plans. Any construction and nonstructural BMPs requirements that cannot be shown graphically must be either noted or stapled on the plans.
  - b. SWPPP and WQTR: Development of the Project shall comply with all applicable regulations, established by the United States Environmental Protection Agency (USEPA) as set forth in National Pollutant Discharge Elimination System (NPDES) permit requirements for urban runoff and storm water discharge, and any regulations adopted by the City of Chula Vista pursuant to the NPDES regulations and requirements. Further, the applicant shall file a Notice of Intent (NOI) with the State Water Resource Control Board to obtain coverage under the NPDES General Permit for Storm Water Discharges Associated with Construction Activity and shall implement a Storm Water Pollution Prevention Plan (SWPPP) concurrent with the commencement of grading activities. The SWPPP shall include both construction and post-construction pollution prevention and pollution control measures, and shall identify funding mechanisms for the maintenance of post-construction control measures.
  - c. WQTR: The Applicant of Lot 1 is required to identify storm water pollutants that are potentially generated at the facility, and propose Best Management Practices (BMPs) that will be implemented to prevent such pollutants from entering the storm drainage systems. The WQTR will be required to demonstrate compliance with requirements of the National Pollutant Discharge Elimination System (NPDES) Construction and Municipal Permits, including Standard Urban Storm Water Mitigation Plans (SUSMP) and Numeric Sizing Criteria requirements. The WQTR shall be submitted with the Applicant of Lot 1's grading/improvement plans, in accordance with the City's Manual.
18. This Project shall comply with all requirements of State Water Resources Control Board (SWRCB) NPDES General Permit No. CAS000002, Waste Discharge Requirements for Discharges of Storm Water Runoff Associated with Construction Activity. In accordance with said Permit, a Storm Water Pollution Prevention Plan (SWPPP) and a Monitoring Program Plan shall be developed and implemented concurrent with the commencement of grading activities to the satisfaction of the City Engineer. The SWPPP shall specify both construction and post-construction structural and non-structural pollution prevention measures. The SWPPP shall provide for the operation and maintenance of post-construction pollution measures, including short-term and long-term funding sources and the party or parties that will be responsible for the implementation of said measures for approval of the City Engineer.

A complete and accurate Notice-of-intent (NOI) must be filed with the SWRCB. A copy of the acknowledgement from the SWRCB that a NOI has been received for this Project shall be filed with the City of Chula Vista when received. Further, a copy of the completed NOI from the SWRCB showing the Permit Number for this project shall be filed with the City of Chula Vista when received. Project shall comply with the permit and SWRCB.

19. Pursuant to NPDES Municipal Permit, Order No. 2001-01, the proposed Project is considered a Priority Development Project and therefore subject to the requirements of the Standard Urban Storm Water Mitigation Plans (SUSMPs) and Numeric Sizing Criteria. The Applicant of Lot 1 is required to complete the applicable forms (see City of Chula Vista's Development and Redevelopment Storm Water Management Requirements Manual) and comply with the Manual's requirements.
20. A Water Quality Technical Report is required to identify potential pollutants generated at the site during the post-development phase of the project and identify/propose appropriate structural and non-structural Best Management Practices (BMP's) to minimize discharge of such pollutants to the maximum extent practicable and shall be submitted for city approval concurrent with Lot 1's grading plans.
21. A hydrology study shall be provided with the submittal of grading plans for the approval of the City. Such study shall, in particular, demonstrate compliance with Section F.1.b.(2)(j) of the NPDES Municipal Permit, Order No.2001-01, that requires the control of peak storm water discharge rates and velocities in order to maintain or reduce pre-development downstream erosion and protect stream habitat.
22. Applicant of Lot 1 shall maintain number of parking spaces, per approved site plan.

#### **FIRE DEPARTMENT CONDITIONS**

23. On-site fire hydrants (24' fire roadway access/turnarounds) shall be installed every 300 feet along with a full NFPA 13 commercial fire sprinkler system and full fire alarm monitoring system, prior to the issuance of first building permit. Sprinklered buildings shall have a fire control room and be supported by a fire department connection to be located by the Chula Vista Fire Department.
24. Applicant of Lot 1 shall provide a water study to determine if adequate pressure is available for the project and if a fire pump will be required, prior to issuance of the first building permit.
25. The Applicant of Lot 1 shall provide Fire Department standpipes. Refer to Table 1004-A of the CFC 2001, prior to issuance of the first building permit.
26. Buildings shall be addressed in accordance with the following criteria:

4-149

- 0 - 50 ft. from the building to the face of the curb = 6-inches in height with a 1-inch stroke;
  - 51 – 150 ft. from the building to the face of curb = 10-inches in height with a 1 1/2-inch stroke;
  - 151 ft. from the building to the face of curb = 16-inches in height with a 2-inch stroke.
27. The Chula Vista Fire Department will require the following prior to delivery of combustible materials on any construction site:
- Water supply
  - Access
  - Street signs
28. This Project shall be protected throughout by an approved automatic fire sprinkler system (NFPA 13, 13R, 13D System).
29. This Project shall be protected throughout by an approved fire alarm system (automatic, manual, fire flow monitoring).
30. Applicant of Lot 1 shall cooperate with the Owner/Applicant of the property to the south in grading and constructing the fire access easement with a slope that is adequate for fire trucks.
31. Applicant of Lot 1 shall comply with the Fire Department condition to provide rollover sidewalk curbs at all corners of the internal driveways for fire truck overhang.

#### **GENERAL SERVICES DEPARTMENT CONDITIONS**

32. The Applicant of Lot 1 shall submit and comply thereafter, a Recycling and Solid Waste Management Plan to the Environmental Services Program Manager for review and approval as part of the permit process, prior to issuance of the first building permit. The Plan shall demonstrate those steps the Applicant will take to comply with Municipal Code, including but not limited to Sections 8.24, 8.25 and 19.58.340 and meet the State mandate to reduce or divert at least 50% of the waste generated by all residential, commercial and industrial developments (including demolition and construction phases).
33. The Applicant of Lot 1 shall contract with the City's franchise hauler throughout the construction and occupancy phases of the project.

#### **POLICE DEPARTMENT CONDITIONS**

34. All landscaping in the Tot lot area landscaping shall be maintained at heights of 2 feet maximum for shrubbery and 6 feet minimum for trees to maintain visibility from all views.

4-150